

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1, 10, 14, 15, 17, 19 and 20 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,650,632 to Volftsun et al. (hereinafter “Volftsun”).

Applicant respectfully traverses this rejection for at least the following reasons.

In accordance with embodiments of the present invention, an IP protocol is employed in the transmission of data over a data transmission network. The transmission network may include a packet-switched portion and a circuit-switched portion. In one example, data from a first circuit-switched transmission line is transmitted to a network node for transmission to a second network node and into a second circuit-switched transmission line. A destination address of a datagram is based, at least partly, on at least one channel in the second circuit switched transmission line. See e.g., Specification, pages 5-6. Accordingly, claim 1 recites “determining, in accordance with a predefined rule, a destination address ... based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line” Independent claims 10, 14 and 19 each recite a similar feature.

As noted in earlier responses, Volftsun fails to teach or suggest at least this feature of the pending claims. The Examiner continues to rely on the rejection of claim 1 originally put forth in the Office Action dated April 27, 2005, in which the Examiner argued that Figure 3 of Volftsun disclosed a “channel identifier.” Figure 3 of Volftsun illustrates a block diagram of a software architecture of a protocol converter. There is no disclosure in Figure 3 of Volftsun or in the corresponding description of “determining, in accordance with a predefined rule, a destination address ... based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line” The Examiner has failed to point to any specific disclosure in Volftsun which teaches or even suggests this feature.

“To anticipate a claim, the reference must teach every element of the claim” M.P.E.P. § 2131. Since Volftsun fails to teach or suggest at least the above-noted feature, the rejection of independent claims 1, 10, 14 and 19 should be withdrawn. Therefore, claims 1, 10, 14 and 19 are patentable. Claims 15 and 17 depend directly from allowable claim 14 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claim 20 depends from allowable claim 19 and is, therefore, patentable for at least that reason, as well as for additional patentable features when that claim is considered as a whole.

Claims 3-9 and 12-13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Volftsun. Claims 3-9 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 12 and 13 depend directly from allowable claim 10 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Claims 16 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Volftsun in view of U.S. Patent No. 6,324,175 to Shiimoto et al. (hereinafter “Shiimoto”). Applicant respectfully traverses this rejection for at least the following reasons.

As described above with reference to claim 1, independent claim 16 also recites “determining, in accordance with a predefined rule, a destination address ... based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line” As noted above, Volftsun fails to teach or suggest this feature. Shiimoto is cited as allegedly disclosing “a circuit switched network that comprises a means for referring to the header of burst data written in time slots and for reading its physical address, the burst data in time slots corresponding to this physical address.” Office Action dated October 20, 2006, pages 4-5. Nothing in Shiimoto teaches or suggests the above-noted feature of claim 16. Thus, Shiimoto fails to cure the deficiency of Volftsun.

Since the cited references, either alone or in combination, fail to teach or suggest each feature of claim 16, the Office Action fails to establish a prima facie case of obviousness. Accordingly, claim 16 is patentable. Claim 18 depends from allowable claim 16 and is, therefore, patentable for at least that reason, as well as for additional patentable features when that claim is considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date APRIL 20, 2007

By 

FOLEY & LARDNER LLP
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268